UNITED STATES PATENT AND TRADEMARK OFFICE

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10/590,339	08/23/2006	Hidehiko Shin	2006_1397A	6998

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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 August 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08/26/06 and 08/13/08* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the following communications: Amendment filed on August 13th,

2008. This action is made final.

2.   Claims 1-17 are pending claims.

3.   Applicants amended claims 1-17.

4.   Applicants have amended the abstract to present a quick view and gist of the technical

disclosure. Applicants' amendment has addressed the abstract objection, and therefore, in view

of the newly submitted abstract, the objection to the specification is withdrawn.

5.   Applicant amended the drawing to indicate Figure 1 as "Prior Art". Applicant's amendment has

addressed the drawing objection, and therefore, in view of the newly submitted drawing, Figure 1,

the objection to the drawing is withdrawn.

6.   Applicant has amended the abstract in response to a Specification Objection cited by the

examiner in the previous office action. Applicant's amendment has addressed the objection to

the specification previously made, and therefore, in view of the abstract, objection to the

specification is now withdrawn.

Claim Rejections - 35 USC § 101

7.   **35 U.S.C. 101 reads as follows:**

Whoever invents or discovers any new and useful process, machine, manufacture, or
composition of matter, or any new and useful improvement thereof, may obtain a patent therefor,
subject to the conditions and requirements of this title.

8.   **Claims 1-11, 16, and 17 are rejected under 35 U.S.C. 101 because the claimed invention is**

directed to non-statutory subject matter.

As for claims 1-11:

Claims 1-11 do not positively recite statutory subject matter. While the preamble of claims 1-11 recite a

device, the limitations are not directed to a device and can be interpreted as software per se, a non-

statutory subject matter.

As for claims 16-17:

Claims 16 and 17 do not positively recite statutory subject matter. While the applicants amended claims

16 and 17, the claims are still directed to software per se, a non-statutory subject matter.

<p align="center">*Claim Rejections - 35 USC § 102*</p>

9.   **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the**

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or
> in public use or on sale in this country, more than one year prior to the date of application for
> patent in the United States.

10.   **Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Roberts US#**

5,801,696.

As for independent claim 1:

Re claim 1, Roberts discloses a display process device operable to execute a program stored on a

computer-readable medium that causes the display processing device to display screen on a display

comprising:

an information storage section (storage device for example) storing screen definition information (385 and

390 for example) defining a correlation between a screen displayed on the display and an action

corresponding to an instruction indicated in the screen column 10, lines 16-26, and column 10, lines 32-

41; a screen definition information interpretation section (100 for example) interpreting the screen

definition information, generating a screen which is to be displayed on the display, and, in accordance

with an instruction given thereto, issuing a first screen event for the action corresponding to the

instruction; a first event conversion section (395 for example) converting the first screen event to a first

device event, which may be interpreted and executed by a device resource retained by the display

process device; and a device resource control section (360,370 for example) controlling the device resource based on the first device event converted in <u>said</u> first event conversion section (see figure 4 for example).

As for dependent claim 2:

Re claim 2, Roberts discloses a display process device, wherein the device resource control section issues a result of a modification in a screen caused by the device resource control section controlling <u>said</u> device resource, based on the first device event, as a second device event (see column 10 lines 51-57 according to the numbering in the middle for example), and

further comprises a second event conversion section for converting the second device event to a second screen event, which may be interpreted and executed by <u>said</u> screen definition information interpretation section, and <u>said</u> screen definition information interpretation section modifies a screen, which is to be displayed on a display, based on the second screen event converted in the second event conversion section (see column 10 lines 47-55 for example).

As for dependent claim 3:

Re claim 3, Roberts discloses a display process device, wherein <u>said</u> device resource control section issues a result of a modification in the screen caused by the device resource control section controlling <u>said</u> device resource, based on the first device event, as a second device event, and <u>said</u> device resource control section further comprises a second event conversion section for directly converting the second device event to a screen which is to be displayed on the display (see column 10 lines 47-57 for example).

As for dependent claim 4:

Re claim 4, Roberts discloses a display process device, further comprising a view section <u>communicating</u> to <u>said</u> first event conversion section the first screen event issued by <u>said</u> screen definition information interpretation section (see 310 for example).

As for dependent claim 5:

Re claim 5, Roberts discloses a display process device, further comprising a view section <u>communicating</u> to the first event conversion section <u>said</u> first screen event issued by <u>said</u> screen definition information

interpretation section, and for giving to <u>said</u> second event conversion section <u>said</u> second device event

issued by <u>said</u> device resource control section (see 310 for example).

As for dependent claim 6:

Re claim 6, Roberts discloses a display process device, further comprising a view section <u>communicating</u>

to the first event conversion section <u>said</u> first screen event issued by <u>said</u> screen definition information

interpretation section, and <u>communicating</u> to <u>said</u> second event conversion section <u>said</u> second device

event issued by <u>said</u> device resource control section (see 310 for example).

As for dependent claim 7:

Re claim 7, Roberts discloses a display process device, wherein the screen definition information <u>is</u>

updated via <u>said</u> screen definition information interpretation section (see column 10 lines 20-24 for

example).

As for dependent claim 8:

Re claim 8, Roberts discloses a display process device, wherein <u>said</u> screen definition information

interpretation section <u>is</u> updated via <u>said</u> view section (see column 10 lines 3-5 for example).

As for dependent claim 9:

Re claim 9, Roberts discloses a display process device, wherein <u>said</u> first event conversion section <u>is</u>

updated via the view section (see column 10 lines 3-5 for example).

As for dependent claim 10:

Re claim 10, Roberts discloses a display process device, wherein <u>said</u> second event conversion section

<u>is</u> updated via the view section (see column 10 lines 3-5 for example).

As for dependent claim 11:

Re claim 11, Roberts discloses a display process device, wherein <u>said</u> second event conversion section

<u>is</u> updated via the view section (see column 10 lines 3-5 for example).

As for independent claim 12:

Re claim 12, Roberts discloses a display process method for displaying a screen on a display comprising:

an interpretation step (at storage device for example) interpreting a predetermined screen definition

information defining a correlation between a screen displayed on the display and an action corresponding

to an instruction indicated in the screen, and generating a screen which is to be displayed on the display;

a first issuance step (at 100 for example) interpreting the screen definition information, and for issuing a first screen event for an action corresponding to the instruction;

a first conversion step (at 395 for example) converting the first screen event to a first device event, which may be interpreted and executed by a predetermined device resource; and a control step (at 360,370 for example) controlling the device resource based on the first device event converted by the first conversion step (see figure 4 for example).

As for dependent claim 13:

Re claim 13, Roberts discloses a display process method, further comprising: a second issuance step issuing a result of a modification in a screen caused by the control step controlling the device resource, based on the first device event, as a second device event; and a second conversion step converting the second device event to a second screen event, which <u>is</u> interpreted and executed in the interpretation step, wherein the interpretation step modifies a screen which is to be displayed on the display based on the second screen event (see column 10 lines 47-57 for example).

As for dependent claim 14:

Re claim 14, Roberts discloses a display process method, further comprising: a second issuance step issuing a result of a modification in a screen caused by the control step controlling the device resource, based on the first device event, as a second device event; and a second conversion step directly converting the second device event to a screen which is to be displayed (see column 10 lines 47-57 for example).

As for dependent claim 15:

Re claim 15, Roberts discloses a display process method further comprising a step updating the screen definition information (see column 10 lines 20-24 for example).

As for independent claim 16:

Re claim 16 (as best understood), Roberts discloses a computer-readable program <u>stored on a computer-readable medium</u> for causing a display process device to execute a display process <u>steps</u> which <u>causes</u> a screen to be displayed, the program <u>causing</u> the display process device to execute:

an interpretation step (at storage device for example) interpreting a predetermined screen definition information defining a correlation between a screen displayed on a display, and an action corresponding to an instruction indicated in the screen, and generating a screen which is to be displayed on the display; a first issuance step (at 100 for example) interpreting the screen definition information, and issuing a first screen event for the action corresponding to the instruction; a first conversion step(at 395 for example) converting the first screen event to a first device event, which may be interpreted and executed by a predetermined device resource; and a control step (at 360,370 for example) controlling the device resource based on the first device event converted by the first conversion step (see figure 4 for example).

As for dependent claim 17:

Re claim 17, Roberts discloses a <u>computer-readable</u> program further comprising: a second issuance step for issuing a result of a modification in a screen caused by the control step controlling the device resource, based on the first device event, as a second device event; a second conversion step for converting the second device event to a second screen event, which may be interpreted and executed in the interpretation step; wherein the interpretation step modifies a screen which is to be displayed on the display based on the second screen event (see column 10 lines 47-57 for example).

11.　　**It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).**

　　　　The Examiner notes MPEP § 2144.01, that quotes *In re Preda*, 401 F.2d 825,159 USPQ 342, 344 (CCPA 1968) as stating "in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." Further MPEP 2123, states that "a reference may be relied upon for all that it would have reasonably suggested to one having

ordinary skill the art, including nonpreferred embodiments. Merck & Co. v. Biocraft Laboratories, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989).

Response to Arguments

12.	Applicants' arguments filed August 13th, 2008 have been fully considered but they are not persuasive. The Office refers applicants to MPEP 2123 where the MPEP states that the entire reference is cited and specific cited sections of the reference are not limiting in any way. Any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

Reference is made to MPEP 2144.01 - Implicit Disclosure

"[I]n considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

35 USC § 102 **rejection:**

As for independent claim 1:

13.	Applicants assert *the present invention defines a relationship between the screen displayed on the display and an operation which corresponds to an instruction displayed on the screen. Therefore, Roberts is only capable of categorizing the input devices, whereas the present invention performs each process in accordance with each of the inputted instructions, irrespective of the categories of the input devices* (Applicants' Remarks, Pg. 15).

The Office respectfully disagrees.

14.   Roberts teaches the above limitations Fig. 4# 385 and 390, column 10, lines 16-26, and column

10, lines 32-41. Roberts teaches that the storage device include a list categorizing each input device as

either a pointing or a non pointing device. Roberts further teaches that the dispatcher consults window

location information (390) to determine which window the event is directed at. Since Roberts teaches a

list categorizing each input device as either a pointing or a non pointing device and the dispatcher which

consults window location, Roberts does however teaches the limitations:

> *an information storage section* (storage device for example) *for storing screen definition*
>
> *information* (385 and 390 for example) *defining a correlation between a screen displayed on the*
>
> *display and an action corresponding to an instruction indicated in the screen;*

15.   Applicants assert *the routing means 100 of Roberts merely stores the events in the first set of*

queues 360 or the second set of queues 370 by referring to the list in the input device categorization 385.

On the other hand, the screen definition information interpretation section of the present invention creates

a screen displayed on the display by referring to the screen definition information and issues a first screen

event showing an operation which corresponds to an instruction displayed on the screen (Applicants'

Remarks, Pg. 15).

The Office respectfully disagrees.

16.   Roberts teaches the above limitations in Fig. 3# 100, 6:31-37, 10: 6-26 and 10: 32-41. As

mentioned above, Roberts teaches a list categorizing each input device as either a pointing or a non

pointing device. Roberts further teaches that the dispatcher (100) consults window location information

(390) to determine which window the event is directed at. The dispatcher (100) disclosed in Column 6,

lines 31-37 direct the input to queues and associated it with Application B. The queues are permanently

associated with Application B's window for the storage of events from punting devices that are directed to

that window. The queue maybe from a keyboard device. From the evidence set forth above, Roberts

shows the limitations:

> *a screen definition information interpretation section for interpreting the screen definition*
>
> *information, generating a screen which is to be displayed on the display, and, in accordance with*

an instruction given thereto, issuing a first screen event for the action corresponding to the instruction.

17.   Applicants assert *Thus, an advantage of the present invention is that it provides a description of information, or the like (e.g., for starting another application which is operable in an apparatus) for using a function retained by another application, or for modifying a display of a key guidance letting a user (i.e., who is operating the apparatus) know about a next action. No such advantages are disclosed or suggested by Roberts* (Applicants' Remarks, Pg. 15).
The Office respectfully disagrees.

18.   In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies, as argued by the Applicants above, are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The Office suggests the Applicants to amend the claims and incorporate the above features into the claim language.   At this time it is noted that Roberts shows all the limitations of claim 1 as shown in the previous Office Actions.

As for independent claims 12 and 16:

With regard to independent claims 12 and 16, the applicants argue the same argument as presented above. Thus as indicated in the above discussion, the same rationale/rejection applies to independent claims 12 and 16.

Conclusion

19.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

20.   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Phantana-angkool whose telephone number is 571-272-2673. The examiner can normally be reached on M-F, 9:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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